BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

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IN MEDICINE AND SURGERY

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4	IN THE MATTER OF:	Case No.: 3642
5	JAMES D. PANETTA, D.O. Holder of Permit No. R702	TERMINATION OF CONSENT AGREEMENT FOR FINDINGS OF FACT, CONCLUSIONS OF LAW AND
6	For the practice of osteopathic medicine in the	ORDER OF SUSPENSION
7	State of Arizona))
8)
9	IT IS HEREBY ORDERED that Order of Summary, dated March 22, 2006 is terminated.	
10	The interim Findings of Fact and Conclusions of Law have been incorporated into a consent	
11	agreement executed on February 13, 2006 as the final disposition in the matter.	
12	IS:	SUED THIS Z5 DAY OF OCTOBER, 2006.
13		ATE OF ARIZONA DARD OF OSTEOPATHIC EXAMINERS IN
14		EDICINE AND SURGERY
15	*	
16	By S. H. Harris By	
17		Jack Confer, Executive Director
18	Original "Termination of Consent Agreement for	
19	Findings of Fact, Conclusions of Law, and Order of Probation" filed this 25th	
20	day of OCTOBEZ, 2006 with the:	
21	Arizona Board of Osteopathic Examiners In Medicine and Surgery	
22	9535 East Doubletree Ranch Road	
23	Scottsdale AZ 85258-5539	
24	Copy of the foregoing "Termination of Consent Agreement for Findings of Fact, Conclusions of Law,	
25	and Order of Probation" sent via certified,	
	return receipt requested this 25,44 day of 00,03,2006 to:	

James D. Panetta, D.O. 2336 West Berridge Lane Phoenix, AZ 85015 Copies of the foregoing "Termination of Consent Agreement for Findings of Fact, Conclusions of Law, and Order of Probation" sent via regular mail this 25¹⁴day of 2006 to: Blair Driggs, AAG Office of the Attorney General CIV/LES 1275 West Washington Phoenix AZ 85007 Generly Alfo

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

IN MEDICINE AND SURGERY

4	IN THE MATTER OF: JAMES D. PANETTA, D.O.	
1	JAMES D. PANETTA, D.O	

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Case No.: 3642

Holder of Permit No. R702

CONSENT AGREEMENT FOR FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER OF PROBATION

For the practice of osteopathic medicine in the State of Arizona

NOTZUSSUZ

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and James D. Panetta (hereinafter "Respondent"), the parties hereto agree to the following disposition to this matter.

- 1. Respondent acknowledges that he has read this Consent Agreement and Respondent is aware of and understands the content of this entire document.
- Respondent understands that by entering into this Consent Agreement he
 voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board
 action or to seek judicial review of the Consent Order in state or federal court.
- Respondent understands that this Consent Agreement will not become effective unless approved by the Board and signed by its Executive Director.
- Respondent further understands that this Consent Agreement, once approved and signed, shall constitute a public record which will be disseminated as a formal action of the Board.
- Respondent admits to the Findings of Fact, Conclusions of Law and the Order of Probation.
- All admissions made by Respondent are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board, Respondent and

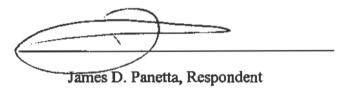
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the State of Arizona; and, therefore, said admissions by Respondent are not intended for any other purpose or administrative regulatory proceeding or litigation in another state or federal court.

7. Respondent acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, he may not later revoke or amend this Consent Agreement, without first obtaining Board approval.

REVIEWED AND ACCEPTED THIS 12th DAY OF MARCH 2006.



JURISDICTIONAL STATEMENTS

- The Board is empowered, pursuant to A.R.S. §§ 32-1800 et seq. to regulate the licensing and practice of osteopathic medicine in Arizona.
- 2. The Board has the authority to enter into a final disposition in this case by stipulation, agreed settlement, consent order or default pursuant to A.R.S. § 41-1092.05 (F)(5).
- Respondent holds license Permit No. R702 to practice osteopathic medicine in Arizona.

FINDINGS OF FACT

- 4. On November 23, 2005, the Board received information from Banner Good Samaritan Medical Center that the Respondent had failed a drug screening that had been conducted by the hospital's Department of Occupational Health. Banner reported this incident pursuant to the provisions of A.R.S. § 32-1855 (A).
 - 5. On December 20, 2005, the Respondent was evaluated by the Betty Ford Center.

The Betty Ford Center recommended 90 days of residential treatment for Cocaine dependence.

- On or about December 22, 2005 the Board sent a subpoena to Banner Good
 Samaritan Hospital requesting the production of records in this matter.
- 7. On January 9, 2006 the Board's Executive Director discussed this matter with the Respondent. During that conversation Dr. Panetta stated that he was not actively participating in any recovery or treatment program as recommend by the Betty Ford Center
- 8. On January 20, 2006, the Board received Dr. Panetta's response to this complaint and allegations. In this response, the Respondent admits to his dependency and states his willingness to enter into a rehabilitation program.
- 9. On February 10, 2006, the Board ordered the Respondent to complete a biological fluid test which he completed on February 14, 2996. The test results were negative.
- 10. On February 15, 2006, the Board received information from the hospital that confirmed that the Respondent had tested positive for a "cocaine metabolite" on November 14, 2005.
- 11. The Respondent had previously self reported a possible addiction situation to both the hospital and the Board and was being monitored by a private program until the time of this incident.

CONCLUSIONS O F LAW

- 1. Pursuant to A.R.S. § 32-1800, et seq. the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.
- 2. The conduct and circumstances described in paragraphs 4 through 11 above constitute unprofessional conduct as defined in the following paragraphs of A.R.S. § 32-1854:
 - (3) Practicing medicine while under the influence of alcohol, narcotic or hypnotic drugs or any substance that impairs or may impair the licensee's ability to safely and skillfully practice medicine.

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- (6) Engaging in the practice of medicine in a manner that harms or may harm a patient or that the Board determines falls below the community standard.
- (38) Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.

ORDER

 IT IS HEREBY ORDERED that Permit R702 held by James D. Panetta, D.O., ("Respondent") shall be SUSPENDED until such time as he enters and successfully completes an in-patient treatment program. Suspension shall being on the effective date of this Order and shall remain in force and effect until such time as the Board terminates this Order.



ISSUED THIS ZZ DAY OF MARCH, 2006.

STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS IN
MEDICINE AND SURGERY

By:

Jack Confer, Executive Director

Original "Consent Agreement for Findings of Fact, Conclusions of Law, and Order of Probation" filed this 22" day of MAICH, 2006 with the:

Arizona Board of Osteopathic Examiners In Medicine and Surgery 9535 East Doubletree Ranch Road Scottsdale AZ 85258-5539

Copy of the foregoing "Consent Agreement for Findings of Fact, Conclusions of Law, and Order of Probation" sent via certified, return receipt requested this 22 \(\text{22} \) day of MARCH, 2006 to:

James D. Panetta, D.O. 10632 W Coronado Rd Avondale, AZ 85323 Copies of the foregoing "Consent Agreement for Findings of Fact, Conclusions of Law, and Order of Probation" sent via regular mail this 22 day of MARCH, 2006 to: Blair Driggs, AAG Office of the Attorney General CIV/LES 1275 West Washington Phoenix AZ 85007